

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 7 is requested to be cancelled.

Claims 6 and 8 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 6 and 8-10 (4 claims) are now pending in this application.

The office action of November 3, 2004 and the references cited therein have been considered. In response to the rejections stated in the office action, the claims have been amended to clarify distinctions over the cited prior art, as explained below. As demonstrated, however, each of the rejections is believed overcome with this application being placed in condition for allowance. Accordingly, reconsideration and allowance of this application is respectfully requested.

On pages 2-6, paragraph 1, the Examiner has rejected all the claims, 6-10, under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi (USPN: 5,805,571) in view of Zwan, et al (USPN: 5,448,574). Yamaguchi discloses a detection system for abnormal cable connections and communication apparatuses utilizing complex comparator and sampling circuits. Zwan, discloses a dynamic communication line analyzer apparatus and method which provides for simultaneous testing or different communication line protocols. The Examiner states that Yamaguchi fails to disclose "transmitting said test signals via the relevant ones of said connecting cables when said fault monitoring devices detects specific faults in said transmission signals". The Examiner believes that Zwan provides such deficiency and that "it would have been obvious to one of ordinary skill in the art to modify

the teachings of Yamaguchi to include the transmitting of test signals via the relevant ones of connecting cable as a loop back to the controller as taught by Zwan in order to facilitate controller worth reports of faults/errors to ensure efficient maintenance and enhancement of the fault conditions". The Examiner also specifically comments with respect to claim 7 that Yamaguchi teaches "corrupted synchronous signals are used as transmission signals having faults . . . as claimed". (Page 4 of the office action.)

In response, Applicant submits that one ordinarily skilled in the art would not combine the teaching of Yamaguchi and Zwan as suggested by the Examiner. Applicant has amended independent claim 6 by including the limitation of dependent claim 7 that states "wherein corrupted synchronous signals are used as transmission signals having faults" and canceling claim 7. Dependent claim 8 is amended to now depend from claim 6 rather than claim 7.

Applicant further submits that Yamaguchi does not transmit signals having precise specifically faulty synchronization signals as a test signal as disclosed and claimed in the present application. The Examiner cites Yamaguchi, Col. 6, l. 17-36 as being supportive of his rejection of claim 7. However, the reference although discusses a method for detecting a broken cable, specifically states "The time slot corresponding to the broken core lacks a signal though there is nothing abnormal in the signal on the monitor core 111 will indicate faulty connection." Applicant submits that this teaches away from that which is disclosed and claimed in the present application since the apparatus and method disclosed in the present application specifically sends a "precisely specifically faulty synchronization signal as its test signal" (See page 5, lines 24-26 through page 6, lines 1-3 of the substitute specification previously filed.) The example of the method and apparatus discussed and claimed in the present application is further elaborated on page 6, lines 15-26 of the substitute specification. There is no teaching or suggestion in Yamaguchi or Zwan that a test signal having a precise specifically faulty synchronization signal is utilized.

Applicant submits that the Examiner is relying on hindsight to make the above obviousness rejections of the cited claims under 35 U.S.C. § 103(a). Applicant believes that the Examiner is basing his rejections on the mere identification in the prior art of individual components of claimed limitations in the present application. Combining prior art references without evidence of such a suggestion, teaching or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability, that is the essence of hindsight. In the present case, Yamaguchi specifically states that there is no abnormal signal used in its complex circuitry, whereas the present application specifically states that a precise, specifically faulty synchronization signal is used as a test signal and it is these faulty transmission signals that are identified in the fault monitoring devices in corresponding fault recording signals that are stored and recognized in the fault signaling registers of the present apparatus.

Applicant submits that, as stated above, the claims, as amended, are patentably distinct from the prior art cited by the Examiner and that one ordinarily skilled in the art would not be compelled to combine the elements cited by the Examiner to obtain that which is disclosed and claimed in the present application. Applicant also submits that the Examiner's prior art analysis, if the basis of the rejection is obviousness under 35 U.S.C. § 103(a), must include evidence relative to the finding of whether there is a teaching, motivation or suggestion to select and combine the references relied on as evidence of obviousness. Independent claim 6, as amended and independent claim 9 as originally filed utilize corrupted synchronous signals to determine whether or not the cables are properly connected in the communication network. Such method and apparatus is not disclosed in the references cited by the Examiner either individually or as combined as suggested by the Examiner. Likewise, claims 8, which depends from independent claim 6 and claim 10 which depends from independent claim 9 also are not obvious under the combinations cited by the Examiner. Accordingly, Applicant respectfully requests that the Examiner withdraw his rejection of claims 6-10, as amended, under 35 U.S.C. § 103(a).

Applicant has attempted to respond to the several rejections of the claims to the extent necessary to correct any ambiguity cited by the Examiner and to address the prior art cited by the Examiner but with the intent of not limiting the scope of the invention protection accorded by the patent laws and these claims any further than absolutely necessary. It is respectfully submitted that each outstanding rejection has now been overcome and that each claim is in condition for allowance. Reconsideration is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

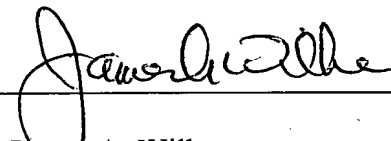
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 02-03-05

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